

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

URIEL ANDERSON,
Plaintiff

v.

File No. 1:06-CV-144

CORRECTIONS CORPORATION
OF AMERICA, WARDEN MILLS,
ASSISTANT WARDEN HENSLEY,
CHIEF OF SECURITY POLK,
CAPTAIN WALTON, CAPTAIN
WOODLAND, CAPTAIN WOODS,
LIEUTENANT ANDERSON, CAPTAIN
BROOKS, UNIT MANAGER JAMES
SEVERS, SERGEANT BULLOCK,
SERGEANT HAWKINGS, STEVEN
GOLD and RAYMOND FLUM,
Defendants

ORDER

The Magistrate Judge's first Report and Recommendation, filed April 2, 2007, (Paper 26), recommends that the plaintiff's motion to change venue (Paper 23) be granted and that the defendants' motion to dismiss (Paper 24) be granted in part and denied in part, and that the case be transferred to the United States District Court for the Western District of Tennessee.

While the Report and Recommendation was pending, the defendants filed a second motion to dismiss for failure to prosecute. (Paper 27). A second Report and Recommendation, filed on August 21, 2007, (Paper 30), recommends that the defendants' motion to dismiss be granted.

After de novo review and absent objection, the Reports and Recommendations are AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. §

636(b)(1). Defendants' motion to dismiss (Paper 27) will be GRANTED and this case will be dismissed for failure to prosecute if the plaintiff does not inform the Court, in writing, on or before October 20, 2007, of his intent to proceed.

If the plaintiff contacts the Court by October 20, 2007, the plaintiff's motion for a change of venue (Paper 23) will be GRANTED and the defendants' motion to dismiss (Paper 24) will be GRANTED in part and DENIED in part. The claims against defendants Gold and Flum will be dismissed and the case transferred to the United States District Court for the Western District of Tennessee. If the case is either dismissed or transferred, defendants' counsel's pending motion to withdraw (Paper 27) will be GRANTED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 20th day of September, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge